

**DENHAM FOR CONGRESS
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OFFICE OF GENERAL
COUNSEL

July 6, 2012

Jeff S. Jordan, Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Response of Denham for Congress, MUR 6595

Dear Mr. Jordan:

This Response is submitted by the undersigned on behalf of Denham for Congress ("the Committee") and in response to the Complaint designated as Matter Under Review 6595.

The Complaint in this matter was filed by Michael J. Barkley, who unsuccessfully ran in the June 5, 2012 primary election to represent California's 10th Congressional District in the U.S. House of Representatives ("the Primary"). Mr. Barkley, who finished fourth in the Primary, has now filed this nuisance complaint in an effort to harass one of the winners of the primary election.

In the Complaint, Mr. Barkley alleges that the Committee failed to report in-kind contributions and accepted in-kind contributions made by persons or entities prohibited from making federal campaign contributions. While Mr. Barkley dedicates a large portion of his baseless complaint to calculating the number of cars that pass by particular intersections, he ignores the fact that the volunteer activities he describes are specifically exempted from the definition of a contribution by the Federal Election Campaign Act ("the Act", or "FECA") and regulations promulgated by the Federal Election Commission.

While campaigning for the Primary, the Committee routinely provided campaign signs to volunteers who requested signs. Volunteers were not paid to take or display signs. Furthermore, the Committee did not keep records of where the signs were ultimately placed, and no agents or employees of the Committee directed that signs to be placed in certain locations.

The Act provides that the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is not a contribution. *See* 2 U.S.C. §431(8)(B)(i). FEC regulations additionally confirm that no contribution results when an individual, in the course of volunteering personal services on his or her residential premises to any candidate, provides the use of his or her personal property to such candidate for candidate-related activity. *See* 11 CFR §100.75. Thus, no contribution is made when a volunteer takes a campaign sign and posts it on his or her personal property, regardless of how many people pass by the location in a given day.

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The Committee did not ask any corporate entities to post campaign signs on corporate property, and Committee did not ask or direct volunteers to place signs on any corporate property. If Committee signs were posted on corporate property during the course of the Primary, it is likely that volunteers took it upon themselves to post signs in those locations. In some instances, as Complainant's photographs attest, other committee's campaign signs were placed in the very same locations. The Committee is unaware of any corporate entities that consented to post campaign signs on their corporate property. If, in fact, any campaign signs were displayed on corporate property, as Complainant alleges, without the corporation's consent or the Committee's knowledge, it is clear that no in-kind contribution is either made or accepted in such situation.

This matter should be dismissed as expeditiously as possible. Please feel free to contact me if you have any questions or require any additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Bauer", written in a cursive style.

David Bauer, Treasurer
Denham

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